



Petition to Vacate Right of Way

MVMC 12.20

Instructions/Process Summary

Right of Way (ROW) vacation is the process by which the City sells or transfers right of way to private parties or other government entities. Based on the preliminary findings and receiving a valid petition signed by two-thirds (2/3) of the abutting property, City Council may set a public hearing by resolution to consider if whether or not the request to vacate ROW is in the public interest. Vacation requests are solely made (petitioned) by the property owners abutting the proposed portions of right of way subject to the request (i.e. shared property lines) and not third parties.

To submit a vacation request please furnish the following:

- Fill out and submit a “Pre-application Conference Request Form”
 - Project Title: “Vacation Request: Street Name/Parcel Description”
 - Example: Vacation Request for a portion of SE 255th Street (unopened)
 - Applicant: Name of primary person(s) submitting the request
 - Property Owner: “See attached petition”
- Attach a plat map depicting the ROW to be vacated and the surrounding property ownerships.
- Include any other relevant information related to the vacation request.
- Submit a “Petition To Vacate Right-of- Way”:
 - Briefly describe the ROW contemplated for vacation.
 - List each adjacent property owner on the form.
 - Obtain signatures of representing no less than two-thirds (2/3) of the frontage ownership (measured as length of common boundary lines).
- Pay the \$100 non-refundable cash deposit to the City.

A pre-application meeting shall be scheduled and held (at no cost) prior to submitting the Petition to Vacate to assist the applicant in submitting a complete package and answer any questions about the process. A public hearing will be set by resolution, not more than 60 days and not less than 20 days, by council action. Note: State Law prohibits the vacation of public access to water (see MVMC 12.20.040).

The City Staff presents their findings and recommendation to the merits of the requested vacation. Council hears testimony, for and against, the petition to vacate and makes a final decision.

If City Council grants the “Petition To Vacate Right-of- Way”, in whole or in part, the City will have the authority to vacate (sell) the right of way to the abutting properties by ordinance. A vacation ordinance shall not be effective until such time as the petitioner(s) pay all sums due to the city, including any compensation due to the city for the vacated right-of-way and payment of all of the city’s costs and expenses that are to be reimbursed by the petitioner(s). The city may withhold recording a vacation ordinance until such time as all such compensation, fees and reimbursements are paid in full.

Reimbursable City expenses may include but are not limited to:

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| • Title Reports | • Notice Mailings |
| • Property Appraisals | • Recording/Filing Fees |
| • Property Survey (if required) | • Administrative Expenses |